

JOHN ANDERSON ACQUITTED

Jury Said He Killed N. P. Hill, the Negro, in Self Defense.

Berry Damage Cases Against the Deyers Being Compromised Out of Court.

At the last term of the district court, which convened July 5, the jury in the case against John Anderson, colored, charged with murder in the first degree, returned a verdict of not guilty.

This, the only criminal case on the docket for the July term, was taken up early in the afternoon of the second day of court. County Attorney G. L. Calvert, assisted by Judge Hamilton of Norton, conducted the prosecution. John Hartzer and G. W. Jones, the negro lawyer of Hill City, looked after the interest of the accused man. Anderson had no money to pay attorneys' fees, and the court appointed these two attorneys to defend him, at his and their request. He had employed them, expecting to get money to pay them, but had been disappointed, and the attorneys were unwilling to desert him.

There was not much trouble in getting a jury. The affair had been caused by a little excitement. All those examined had read the newspaper account of the killing, but only a few had formed any opinion, whatever as to the guilt or innocence of the accused. Before the middle of the afternoon the following men were sworn to try the cause: George Hayden, J. W. Kanouse, B. E. Lister, A. R. Wells, Fred Schindler, J. J. Finley, Frank Treblich, John Amos, J. W. Smith, William Dalse, J. W. Johnson, W. B. Hogeboom.

The taking of testimony occupied but a few hours. When the case was given to the jury, Friday forenoon, the prosecution had shown that Anderson was one of a number of negroes who had been at work on the coal chutes in the Rock Island yards; that the men all lived together in a room on a sidetrack north of the round house. On April 23, some difficulty arose between Anderson and N. P. Hill, another of the negro coal heavers living in the car. Hill, who was a white man, had been sleeping that forenoon. About noon Anderson was sitting on the floor of the car, singing. Hill woke, and got out of his bunk, evidently in bad humor. He walked over toward Anderson and said to him:

"I've killed a G—d— of a — for less than that."

What he referred to is not known, but the testimony tended to indicate that he was angry because he had been awakened before the regular time, and thought that it was Anderson's singing that disturbed him. The testimony tended to show that Anderson was singing rather softly to himself. Hill walked past Anderson once, and then walked back toward him, his hands under the bib of his overalls.

Three of the negroes who were in the car at the time, gave their testimony at the trial. Not one of the three saw, or admitted seeing, what happened inside the car. The middle man and Hill met the last time. They knew that Hill was a moment later, stretched out on the floor of the car, and that Anderson was standing over him, swinging a knife. One of them shouted to Anderson:

"My God, Happy, don't hit that man! You've killed him, now!"

Anderson brought the ax down, but none of the witnesses would say whether or not he struck Hill with it. An instant later, Anderson was out of the car, taking the ax with him.

The witnesses followed him, and one of them persuaded him not to try to escape, but to go up town and give himself up to the sheriff. Anderson said:

"If I thought that man was not dead, I'd go back and finish the job."

Dr. Smith and Gulick described the wounds. One was near the middle line of the skull, a little toward the back of the head, and penetrated through the skull, the middle and about two inches into the brain. The other was just above the left ear, and extended in a slanting direction toward the throat. The head was cut open, through the skull, the middle ear and into the vocal passages. Either wound, the doctors said, would inevitably produce death.

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JAPAN WILL KEEP FIGHTING.

Poxy Orientals Will Have No Armistice Until Peace Comes.

Washington, July 11.—The Russian government has been notified that Japan will not agree to an armistice pending negotiations and that Japan will feel free to continue military operations until the envoys have agreed upon terms.

This information comes from an unquestioned authority. The principal reason for Japan's taking this position is that while the mikado accepts Russia's peaceful professions in the spirit in which they are tendered, he cannot afford to overlook the possibility that the deliberations of the envoys may come to naught.

RUSSIAN MUTINEERS CAPTURED

CREW WILL BE ALLOWED TO DEPART FROM COUNTRY.

Japanese Land Troops on Sakhalin Island, Russian Territory Which They Once Owned.

St. Petersburg, July 9.—A landing of Japanese troops on the island of Sakhalin was officially reported tonight and started military circles in St. Petersburg, though it had been realized since the defeat of Admiral Rojestevsky that the Japanese were able to take possession of the island as soon as they thought fit. The strength of the landing force cannot be ascertained but the garrison of the island is too weak to offer an effective defense.

The landing of the Japanese on Sakhalin island and its probable effect on peace negotiations is the absorbing topic of conversation in the diplomatic circles of the city. The move is generally recognized as an indication that Japan intends to demand the cession of the island as one of the conditions of peace, but it is no longer an insuperable obstacle in the way of a termination of the war. No further news was received from Sakhalin last night. Operations against the Russian left at Belche and Logosun reported by Linevitch are apparently in the nature of a reconnaissance in force and there are no indications of a general engagement in Manchuria yet.

Kustrenji, Roumania, July 8.—The mutinous crews of the Kiaz Potemkin and its consort, the rebel torpedo boat, have surrendered to the Roumanian authorities, have been landed and are now being dispersed in small parties to different places in Roumania. The Roumanian authorities have taken the breach looks of the former surrender of the mutinous crews occurred at 1 o'clock this afternoon after a series of discussions and negotiations between the Roumanian authorities and the leaders of the mutineers.

The Roumanian officers who boarded the battlement on its arrival here called upon the crew to surrender and promised that they would be treated as foreign deserters. Otherwise they would be forced to leave the port forthwith. It speedily became apparent that the Russian vessels had returned to this port with the intention of giving themselves up to a foreign government. The crew soon announced their acceptance of the Roumanian terms. The mutineers wanted to take off the Kiaz Potemkin, but the authorities declined to acquiesce.

Sailors to Be Liberated.

The Russians will gradually be conveyed to any frontier they may select and will then be liberated. The local officials have given an understanding to this effect. The Roumanian flag has been hoisted over the Russian flag so as to prevent any attack on them in Roumanian waters by the vessels of the Russian squadron which are reported to be in pursuit of the mutineers.

The return of the rebel battle ship to Kustrenji was a complete surprise to the Roumanian admiralty. They were convinced that the mutineers were heading for Livadia, Batoum or Pott. The naval authorities conjecture that a large part of the crew of the Kiaz Potemkin would rather take advantage of Roumanian offer of treatment as deserters and thereby escape punishment for their conduct than cast in their lot with the revolution in the Caucasus.

The mutineers say they want to give the battle ship to the Roumanian government, as they are anxious that it shall not be handed over to Russia. The ship is now in this harbor and the Roumanian government has not indicated whether or not it will accept the battle ship. It is probable that it will not.

The Island of Sakhalin is situated a little northwest of Japan territory, and formerly belonged to Japan. It is separated from Japan by the strait La Perouse.

RAILROADS ARE SUED.

Twelve Hundred Cases Made by Department of Agriculture.

A dispatch from Washington says: "The department of agriculture has prepared and is ready to begin 1,200 suits against the railroads of this country to secure the imposition of a penalty of \$500 in each case for every violation of so-called 25-hour violation. That statute insures carriers transporting live stock from one state to another to unload, feed and water and rest every head of live stock for a period of five hours after it has been on the road more than 25 hours."

Nearly every road from Maine to California is involved. The evidence against them is regarded as so strong that attorneys representing the roads are negotiating with Secretary Wilson with a view to having a minimum penalty of \$100 imposed, the understanding that if the maximum is not demanded, the railroads will comply with the law.

Pay Your Personal Tax.

Is your personal tax, which was due last November, paid? Warrants will be issued to the sheriff between July 15-18.

Fortunate is the girl who knows more than to look pretty.

OIL REFINERY LAW IS INVALID

KNOCKED OUT BY DECISION OF STATE SUPREME COURT.

The State May Not Carry on Works of Internal Improvement, Is the Argument.

Topeka, July 7.—Kansas will not be allowed to build an independent oil refinery. The supreme court in an opinion by Associate Justice Greene today, concurred in by the entire court, declared that the law passed last winter establishing an independent oil refinery in Peru is unconstitutional.

The law is based on section 8 of article 11, which is as follows: "The state shall never be a party in carrying on any works of internal improvement."

The court holds that the institution would be an internal improvement and not a state penitentiary. Public policy demands that the state shall not enter into competition with private interests. The state's contention was that the institution would be a branch penitentiary and as such be built by the state with state funds.

"In the interpretation of an ambiguous statute, courts should examine it in the light of the history of its enactment, the purpose of the legislature, the conditions and situations of the people, the economic and sociologic policy of the state, its constitution and the common knowledge within the limit of their jurisdiction."

"The construction, operation and maintenance of an oil refinery for the purpose of refining crude oil, storing and handling crude and refined oil and its by-products, and the marketing of the same, constitute a 'work of internal improvement.'"

It is an act appropriating money for 'works of internal improvement.' It contravenes section 8 of article 11 of the constitution and hence is void.

After stating the case fully, Justice Greene discusses the right of the court, in construing a statute, to make use of its familiarity with the history and construction of the people at the time of the passage of the law. In view of the fact of the only hope of the supporters of the refinery scheme that the bill would be held valid was that the constitution of the state would not take into consideration the true object and aims of such legislation, the court discusses fully the fact that many of these conditions are matters of 'judicial notice,' and cites and quotes much authority.

It states that the real reason for the measure and the circumstances surrounding the inception of the plan, together with the public discussion of the matter must be taken into consideration.

The opinion continues: "In common with all other well informed persons, this court knows of the great quantities of crude oil that were discovered in a part of the state; the rapid development of this field of industry; the general public confidence and enthusiasm in the oil industry; and the fact that the market of this product so that the producer was being deprived of what rightfully belonged to him; that a public demand was made upon the legislature of 1905 to enact some law which would protect the producer from the further encroachments of this corporation upon his rights."

Was a Popular Demand.

"The bill in question is a direct and intimate relation to the people than any other official. He knows and understands the conditions, desires, aspirations and aims of each community. The bill in question having been passed by the legislature in a popular demand for relief against a 'powerful commercial combatant,' against which the individual was unable to cope, it is not surprising that the legislature of 1905 should have been so moved by the popular demand to build a branch penitentiary, but as an appropriation for the construction and operation of an oil refinery is inasmuch as no reference is made to the branch penitentiary, it may be said that the governor did not understand that there were any provisions in the bill which seriously restricted the expenditure of a branch of the state penitentiary."

Not a Branch Penitentiary.

"If as contended by the state the object of the bill is the construction of a branch penitentiary, it seems strange that the governor in approving it should feel called upon to state that it is 'such a radical departure from governmental precedent that it seems wise to put upon the records a clear statement of the provocation and the purpose of this undertaking that our action is clearly defined and thoroughly understood at home and abroad.' The construction of penal institutions is not a radical departure from governmental precedent. The 'provocation' for maintaining such institutions is known to all persons."

A Scarecrow of the Law.

"Besides what interests have the people abroad on the subject of our penal institutions that for their benefit our action should be clearly defined. The indictment of the Standard Oil company is no doubt true and the provocation was very great but we must not make a scarecrow of the law. The consideration of the bill in the light of public conditions under which it was conceived, the title under which it was introduced in the senate, the bill itself and its reference by the senate to its committee on oil and gas, instead of its committee on penal institutions, the passage of the bill by the senate under its original title, the purpose of the bill and the reasons for its passage as expressed by the governor in his special message of approval, leave no doubt in our minds that the object of the bill is to secure a site upon which the state should construct, operate and maintain an oil refinery, and that in so far as the warden and the board of directors of the state penitentiary might think it advisable to employ in the construction of the building and maintaining and operating the refinery inmates of the state penitentiary, and for this reason provisions were made for housing, feeding, guarding and overseeing such convicts and the work to be performed by them while thus engaged."

\$12,521.26 FOR DISTRICT NO. 1.

That Amount Collected in Tax During Last Four Years.

School district No. 1, in which Goodland is located, has been the object of considerable pecuniary care for the last four years, or, during the incumbency of W. S. Coleman as treasurer of the board of education. The records back of that time were not examined, and hence only the last four years, approximately, are given. There was paid in at the office of the county treasurer as school tax for district No. 1, on real and personal property, the sum of \$12,521.26, making an average yearly collection from this source of \$3,132.81. The teaching and janitor expense amounts to \$2,650 a month. Upon this basis of a ten months school, the annual expenditure would be \$2,650. But the incidental expenses in the operation of a school the size of the one in Goodland, will aggregate several hundred dollars, so that the total estimated collection in the years above indicated, have been rather nicely figured. Outside of its bonded indebtedness occasioned by the erection of our large and fine looking school building, district No. 1 is in good condition financially. All warrants are payable on demand and there is a small surplus left over to meet contingencies.

The Sherman county high school, so far as the finances in this article are concerned, is a distinct institution, the money to support it coming almost wholly from the county through the establishment and maintaining of a high school fund.

STATE NOT "PREFERRED."

If Money Was on Deposit in First National Bank.

It has been contended by T. T. Kelly, state treasurer, that the state of Kansas would be a preferred creditor when the time of settlement of affairs of the First National bank comes up. In this contention Mr. Kelly's argument is that as the money in the First National bank was in the course of collection, it was therefore not a trust fund and as a consequence it was not on deposit and does not take the same course as that on deposit. A lawyer who has been a member of the supreme court said to the correspondent of the Kansas City Star the other day:

"The contention of Mr. Kelly is partly correct, that is if it can be clearly shown that the money was there for collection alone. But this may be difficult to show and especially since the bankruptcy proceedings were filed in the United States court. When the hearing of this case comes up all the claims of the First National bank will be inquired into. The bank officials probably will be asked questions relating to the state's deposit and they will of course tell the truth. It is their duty to do so. The whole thing had been there long enough to preclude it from being in the course of collection, the state of Kansas will be no more preferred than the person who has the very smallest deposit. If it is also brought out that the state treasurer was receiving interest on his daily balances that in itself will establish the point that the deposit was a deposit or rather a trust fund. Of course if this matter of interest is established it will be a very serious affair for the state treasurer, as that in itself is a felony according to the laws of Kansas. There is no preferred creditor in a national bank failure among the legitimate depositors."

GOODLAND WON A GAME.

The Junior Team Played Ten Innings with Burlington—Score 8 to 7.

The Junior or second base ball team of Goodland seem to be made of the kind of stuff. They went out to Burlington Monday and played a game with the first team there and scored a victory of 8 to 7. The score was a tie at nine innings and the Goodland boys composed the club were Herman Kreuser, W. P. Shea, Roy Coleman, Lowell Shaw, Charley Mallory, Roy Chambers, Don Luther, Max Scott, George Floyd.

Coal Cars in the Ditch.

Extra freight east No. 30, in charge of Conductor Fred Hodgkinson and Engineer Roy Rice, was wrecked three miles east of Resolia, Sunday, July 9. Eight cars of coal were derailed, Nos. 15 and 6, consequently, had to be despatched by way of Denver.

It takes a man of wisdom to utilize half he knows.

SCOTT BREAKS RECORD.

Special Santa Fe Train Lands Him in Chicago in 45 Hours.

Chicago, July 11.—Walter Scott, the Death Valley millionaire cowboy miner, who in a Santa Fe special train was racing to beat the record from Los Angeles to Chicago, arrived here at 11:54 o'clock, beating the schedule by three hours and six minutes.

Scott leaped from the train and escaped from the crowd by jumping into a Wells-Fargo express wagon. With a flaring sign of protection by a United States injunction and guarded by four policemen, he drove rapidly to his hotel.

Scott is apparently about 40 years old, with steely eyes and slightly gray hair. His face is bronzed by mountain winds and desert sun.

The train left Los Angeles at 1 p. m., July 9, with a schedule of forty-eight hours and ten minutes, for which Scott was to pay \$5,500. The previous record from Los Angeles to this city was fifty-one hours and fifty-five minutes. The 2,246.3 miles were finished today in forty-five hours and four minutes.

SUNDAY SCHOOL CONVENTION.

To Be Held in Melstrom's Grove Sunday, July 16.

The second Sunday school convention of the year will be held in Sherman township, at the Melstrom grove, on Sunday, July 16. The programme is as follows:

10:00 a. m.—Devotional service.

Welcome Address—A. P. Melstrom, superintendent.

Study of day's lesson, led by S. V. Mallory.

11:00 a. m.—Address by Rev. J. Ed Stevens.

Dinner.

1:30 p. m.—Song service.

"Primary Work," T. P. Crowford.

2:30 p. m.—"Intermediate Work," S. V. Mallory.

3:00 p. m.—"The Successful Sunday School," G. W. Sapp.

Oberlin Train Wrecked.

Republican City, Neb., July 8.—A mixed train was wrecked today on the Oberlin branch of the Burlington road near Kanona, Kan., and two people were killed and three injured.

MISS MILLIE KOLL, Republican

City.

HENRY WHITE, residence not known.

Dr. A. A. Allen, Topeka, Kan.

Ed Bender, Hastings, Neb.

Mrs. W. L. Egbert, Republican City.

Miss Koll is the daughter of the engineer of the train and Mrs. Egbert is the wife of the fireman, and they were going to the other end of the run to spend Sunday with the husband and father-in-law. The whole train went into the ditch, the cause supposedly being soft tracks, due to the recent heavy rains.

House for Rent.

Three-room frame cottage for rent, located just west of Goodland State bank. Inquire at the house. Rents for \$14 per month.

LOCAL NOTICES.

Renewal, the photographer, will be at his Goodland studio Saturday, July 15. One day only. He expects to be able to fill all future dates in full.

"The New Deal" is still running on eastern prices. Call and see. A. M. Darling.

All kinds of nursery stock grown by a Kansas firm sold by William N. Davis.

Warrants for unpaid personal tax will issue to the sheriff between July 10 and 15. Pay at once and save costs. J. Warner, County Treasurer.

Money to loan on all kinds of good security. Call at the store and make your wants known at the store office. C. M. Millisick.

Standard Patterns at Millisick's.

New spring styles in Wilson Bros. Dress Shirts at Millisick's.

Buster Brown Hose at Millisick's. Bring your hides to Hoopes', and get the highest market price.

New Goodland Trunks and Suit Cases at Millisick's.

The C. & B. Men's Suits are the stylish well-tailored, perfect-fitting kind at Millisick's.

Wanted—Three or four furnished or unfurnished rooms by young married man for light housekeeping. P. O. Box 47.

A full line of fresh and cured meat, fish and poultry at the Star Meat Market. Jewell & Hogeboom.

Headquarters for ice at the Star Meat Market. Jewell & Hogeboom.

What a beautiful world this would be if natural flowers would only grow to resemble their pictures in the seed catalogues.

BEGINNING OF A BIG HARVEST

SOME FIELDS OF WHEAT, RYE AND BARLEY ARE RIPE.

This Season Has Been Ideal for Small Grain and the Yield Will Be a Record-Breaker.

The harvest of small grain in Sherman county is beginning this week. All of the grain is changing its green foliage into the golden color of harvest time. The 1905 crop has come to maturity, not through struggle which presents a stunted head and shriveled kernel, but it has come to maturity through the conditions of great luxury. Scarcely a day has passed throughout the whole season when the crops in Sherman county were thirsting for living water. The fields of growing grain have gone on from victory unto victory, crushing every doubt and former bad reputation, by simply growing by the grace of a rich soil and an abundant rainfall. The rank stalks, measuring from the knee to the shoulder of a big man, present a wall of opposition to anyone who tries to walk out into the midst. The heads of the grain are filled to so great plumpness that it is a delight to group them and know that the harvest is certainly great.

At Goodland and Kanorado and Brewster considerable harvesting machinery, binders and headers, have been sold to farmers who had to have the machinery to cope with the task of harvest. While the acreage this year is perhaps not much above the normal, there will nevertheless be a good many thousand of acres of grain cut, and the yield will be simply without a parallel in the history of this county.

The fall wheat is a little in advance of the spring sowing, in maturing and the yield may be a trifle heavier, but it has exceeded all expectations. Experiments with durum or macaroni wheat have been attempted with very flattering results. This has been an ideal season for that cereal, too.

The yield of the wheat will vary on different ground, but estimates put it at from 15 to 40 bushels per acre. One new threshing outfit, and several others which are kept in the county, will be put in the field for active service as soon as the harvested grain is ready to thresh.

THIRTY-FOUR PASSED.

County Examination for Teachers' Certificates Well Patronized.

There were forty-five applicants to take the examination at the close of the normal institute. Out of the forty-five, thirty-four received certificates. Following are names of those who were successful:

First Grade—Mrs. Jennie Heston, Euroth Stewart.

Second Grade—D. O. Fortmeyer, Mrs. Mabel Heston, Emma Vandenwinkle, Ralph Dimmitt, Eva Bickett, John M. Haney, Maggie Hartwig, Earl Mitchell, Zora Hall.

Third Grade—Jessie Brannon, Anna King, Hilma Slinger, M. E. Warner, Cecil Sigman, H. C. Smalley, Hazel Odell, Dollie Jones, Amy Jones, C. P. Goodrich, Mary Johnson, Goldie Hollenbeck, Bert Ingram, Leo Hall, C. Welch, Carroll Veselick, Agnes Miller, Sarah Fairall, Effie Crouse, Jeannie Cuthbertson, Hattie Palmer, Myrtle Cochran, William Hayden.

Big Daily Turus Republican.

A Cincinnati, Ohio, press dispatch of recent date says that Hamilton county democratic leaders are authority for the statement that J. B. McLean, owner and publisher of the Cincinnati Enquirer, will change the policy of that paper soon and make it a republican paper. McLean's resignation as national committeeman from Ohio, sent in a telegram to Chairman McKinney at the state convention in Columbus, was received with much surprise, but friends of McLean, who were not startled, said that they knew it to be in line with his purpose to change the paper's policy.

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